

1 ROBBINS GELLER RUDMAN
2 & DOWD LLP
3 JOHN J. STOIA, JR. (141757)
4 RACHEL L. JENSEN (211456)
5 PHONG L. TRAN (204961)
6 655 West Broadway, Suite 1900
7 San Diego, CA 92101
8 Telephone: 619/231-1058
9 619/231-7423 (fax)
10 johns@rgrdlaw.com
11 rachelj@rgrdlaw.com
12 ptran@rgrdlaw.com

13 Class Counsel

14 DLA PIPER LLP (US)
15 SHIRLI FABBRI WEISS
16 CHRISTOPHER M. YOUNG
17 KATHERINE J. PAGE
18 401 B Street, Suite 1700
19 San Diego, CA 92101-4297
20 Telephone: 619/699-2700
21 619/699-2701 (fax)
22 shirli.weiss@dlapiper.com
23 christopher.young@dlapiper.com
24 katherine.page@dlapiper.com

25 Counsel for Defendants

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28 UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

In re GROUPON MARKETING AND
SALES PRACTICES LITIGATION

} No. 3:11-md-02238-DMS-RBB
NOTICE OF MOTION AND JOINT
MOTION FOR PRELIMINARY
APPROVAL OF CLASS ACTION
SETTLEMENT

JUDGE: The Hon. Dana M. Sabraw
CTRM: 13A
DATE: October 9, 2015
TIME: 1:30 p.m.

1 TO: ALL PARTIES AND THEIR ATTORNEYS OF RECORD

2 PLEASE TAKE NOTICE that, on October 9, 2015, at 1:30 p.m., or as soon
3 thereafter as the matter may be heard in the Courtroom 13A (13th Floor –
4 Carter/Keep) of the above-entitled Court, located at 333 West Broadway, Suite 1310,
5 San Diego, California 92101, plaintiffs Barrie Arliss, Nevin Booth, Julie Buckley,
6 Ashley Christensen, Jason Cohen, Adam Dremak, William Eidenmuller, Anthony
7 Ferreira, Sarah Gosling, Eli R. Johnson, Heather Kimel, Jeff Lawrie, Michael
8 McPherson, Sarah Mehel, Nicholas Spencer, Eric Terrell, Carlos Vazquez, and Brian
9 Zard (“Plaintiffs”), and defendants Groupon, Inc., Nordstrom Inc., Full Circle Farms,
10 Inc., The Gap, Inc., Spa Blix, Inc., Whirly West Inc. d/b/a/ WhirlyBall, Fun Time,
11 LLC d/b/a/ Wheel Fun Rentals, and YMCA of Metropolitan Washington
12 (“Defendants”) (collectively, the “Parties”), by and through their undersigned
13 attorneys, will and hereby does jointly move this Court for an order:

14 1. Granting preliminary approval of the Parties’ Stipulation of Class Action
15 Settlement (“Settlement Agreement”), as reflected in the proposed preliminary
16 approval order submitted herewith;

17 2. Granting conditional certification of the Settlement Class, pursuant to
18 Rules 23(a) and (b)(3),¹ comprised of all Persons who purchased or received one or
19 more Groupon Voucher for redemption at a Merchant (as defined in the Settlement
20 Agreement) in the United States, from November 2008 until December 1, 2011;

21 3. Appointing Plaintiffs to serve as the Settlement Class Representatives;
22 4. Confirming the appointment of the firm of Robbins Geller Rudman &
23 Dowd LLP as Class Counsel, pursuant to Rule 23(g);

24 5. Approving the Parties’ proposed form and method of notice to Settlement
25 Class Members (“Class Notice”);

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¹ All references to “Rules” are to the Federal Rules of Civil Procedure.

1 6. Establishing a schedule for distributing the Class Notice and for
2 Settlement Class Members to submit claims, object to, request exclusion from the
3 Settlement Class, or withdraw claims previously submitted under the 2012 Proposed
4 Settlement Agreement;

5 7. Deeming claims previously submitted by Settlement Class Members
6 pursuant to the 2012 Proposed Settlement Agreement to be submitted under this
7 Settlement Agreement;

8 8. Appointing Rust Consulting, Inc. as the Claims Administrator; and

9 9. Setting a hearing for the final approval of the Settlement Agreement and
10 Class Counsel's application for an award of attorneys' fees and expenses.

11 This joint motion is based on this notice; the accompanying memorandum of
12 points and authorities in support thereof, the Settlement Agreement and exhibits
13 thereto; the Declaration of Shirli F .Weiss in support thereof; the Declaration of
14 John J. Stoia, Jr., in support thereof; the complete file and record in this Action; the
15 argument of counsel; and such other and further evidence and argument as the Court
16 may request or may be presented to the Court at the time of the hearing.

17 DATED: September 11, 2015

Respectfully submitted,

18 DLA PIPER LLP (US)
19 SHIRLI FABBRI WEISS
20 CHRISTOPHER M. YOUNG
21 KATHERINE J. PAGE

22 s/ Shirli Fabbri Weiss
23

24 SHIRLI FABBRI WEISS

25 401 B Street, Suite 1700
26 San Diego, CA 92101-4297
27 Telephone: 619/699-2700
28 619/699-2701 (fax)

Counsel for Defendants

1 DATED: September 11, 2015

ROBBINS GELLER RUDMAN
& DOWD LLP
JOHN J. STOIA, JR.
RACHEL L. JENSEN
PHONG L. TRAN

4

5 s/ John J. Stoia, Jr.

6 JOHN J. STOIA, JR.

7

8 655 West Broadway, Suite 1900
9 San Diego, CA 92101
10 Telephone: 619/231-1058
11 619/231-7423 (fax)

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13 Class Counsel

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ECF CERTIFICATION

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Dated: September 11, 2015

By: s/ Shirli Fabbri Weiss
SHIRLI FABBRI WEISS

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